

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

IN RE:

FATEMEH NAJAFIAN : Case No.: 09-18112-BFK
: Chapter 7

Plaintiff

FATEMEH NAJAFIAN

v.

Adversary No. 11-01650-BFK

SALLIE MAE, INC.

Defendant

ANSWER TO COMPLAINT TO DETERMINE
DISCHARGEABILITY OF A CLAIMED DEBT

COMES NOW Educational Credit Management Corporation (“ECMC”), by and through counsel, Rand L. Gelber, and in Answer to the Complaint to Determine Dischargeability of a Claimed Debt (“Complaint”) filed by the Plaintiff, states as follows:

1. Upon information and belief, the allegations contained in paragraph 1 of the Complaint are admitted.

2. The allegations contained in paragraph 2 of the Complaint contain a legal conclusion to which no response is required. To the extent a response is required, upon information and belief, the allegations are admitted.

3. With regard to the allegations contained in paragraph 3 of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

4. With regard to the allegations contained in paragraph 4 of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

5. With regard to the allegations contained in paragraph 5 of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

6. With regard to the allegations contained in paragraph 6 of the Complaint, ECMC admits Plaintiff is seeking relief however, ECMC denies Plaintiff is entitled to the relief sought.

A. With regard to the allegations contained in paragraph 6 section A of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

B. With regard to the allegations contained in paragraph 6 section B of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

C. With regard to the allegations contained in paragraph 6 section C of the Complaint, ECMC is without information sufficient to admit or deny the allegations and therefore they are denied and strict proof thereof is demanded.

First Affirmative Defense

Plaintiff has failed to state a cause of action upon which relief can be granted.

WHEREFORE having fully answered the Complaint, ECMC prays for relief as follows:

A. Dismiss Plaintiff's Complaint with prejudice.

B. Declare the indebtedness evidenced by the Note as a non-dischargeable obligation

pursuant to 11 U.S.C. § 523(a)(8).

C. Other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,
EDUCATIONAL CREDIT
MANAGEMENT CORPORATION,
By counsel,

/s/ Rand L. Gelber

Rand L. Gelber VSB #23991
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Rockville, MD 20850
301-251-0202 x 16
301-251-0849 fax
RgelberMD@aol.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer to Complaint to Determine Dischargeability was sent via first-class mail, postage prepaid, this 28th day of December, 2011, to:

Fatemeh Najafian
8340 Greensboro Drive, #322
McLean, VA 22102

/s/ Rand L. Gelber

Rand L. Gelber